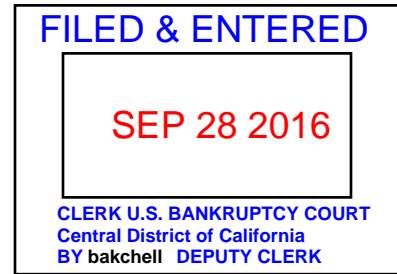


Andrew E. Smyth (SBN 60030)
Stephen S. Smyth (SBN 248433)
William J. Smyth (SBN 265374)
SW SMYTH LLP
4929 Wilshire Boulevard, Suite 690
Los Angeles, California 90010
Telephone: (323) 933-8401
Facsimile: (323) 933-6089
office@smythlo.com



Attorneys for Debtor(s)
Wayne L. Borders

CHANGES MADE BY COURT

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

WAYNE L. BORDERS,

Debtor(s).

CHAPTER 7

BK. No.: 2:16-bk-21495-RK

**ORDER GRANTING DEBTOR WAYNE
L. BORDERS'S APPLICATION FOR
ORDER TO SHOW CAUSE RE:
CONTEMPT AGAINST ~~WELLS FARGO
BANK, N.A., FIDELITY NATIONAL
TITLE COMPANY, MORTGAGE
LENDER SERVICERS, INC., AND THE
UNITED STATES SECRETARY OF
HOUSING AND URBAN
DEVELOPMENT~~**

Judge: The Honorable Robert Kwan

///

///

1
2 On September 14, 2016, Debtor Wayne L. Borders (the "Debtor") filed an Application
3 for an Order to Show Cause As to Why Wells Fargo Bank, N.A. ("Wells Fargo"), Fidelity
4 National Title Company ("Fidelity"), Mortgage Lender Services, Inc., and the United States
5 Secretary of Housing and Urban Development ("HUD") Should Not Be Held in Contempt for
6 Violation of the Automatic Stay and Order Them to Pay Compensatory and Punitive Damages
7 (the "Application") as docket entry 12.

8 The Court having read the Application and supporting evidence and upon good cause
9 shown,

10 IT IS HEREBY ORDERED that ~~Wells Fargo Bank, N.A. ("Wells Fargo"), Fidelity~~
11 ~~National Title Company ("Fidelity"), Mortgage Lender Services, Inc., and the United States~~
12 ~~Secretary of Housing and Urban Development ("HUD")~~ are is hereby Ordered to file a
13 written explanation, if any, ~~was to why they~~ it should not be held in civil contempt for ~~their~~
14 ~~its~~ knowing violation of the automatic stay. Said written explanation shall be filed and served
no later than November 23, 2016.

15 IT IS FURTHER ORDERED that the Debtor serve respondent Mortgage Lender
16 Services, Inc., with copies of this order and the Application no later than October 7, 2016.

17 IT IS FURTHER ORDERED that ~~Wells Fargo Bank, N.A. ("Wells Fargo"), Fidelity~~
18 ~~National Title Company ("Fidelity"), Mortgage Lender Services, Inc., and the United States~~
19 ~~Secretary of Housing and Urban Development ("HUD")~~ appear on November 30, 2016 at
20 2:00 p.m. in Courtroom 1675 of the above entitled Court located at 255 E. Temple Street, Los
Angeles, CA 90012 and to show cause why ~~they~~ it should not be held in civil contempt.

21 //

22 //

1
2 IT IS FURTHER ORDERED that ~~Wells Fargo Bank, N.A. ("Wells Fargo"), Fidelity~~
3 ~~National Title Company ("Fidelity"), Mortgage Lender Services, Inc., and the United States~~
4 ~~Secretary of Housing and Urban Development ("HUD")~~ show cause at the above time and
5 place as to why compensatory attorney fees and costs in the amount of \$1,165.10 should not
6 be imposed against ~~them~~ it because of ~~their~~ its willful breach of the automatic stay.

7 **The court declines to order the other parties named as respondents to show cause**
8 **because the evidence in support of the Application is insufficient to establish a prima**
9 **facie case that such parties knew about the bankruptcy case and the automatic stay to**
10 **have acted in violation of stay and to be held in civil contempt, and thus, does not**
11 **establish good cause to issue the order to show cause as to them. Specifically, William**
12 **Smith's declaration offered in support of the Application that respondents "knew" of**
13 **the stay is based on his conversation with a representative of respondent Mortgage**
14 **Lender Services, Inc., and no one else, and thus, it appears that the Debtor's request for**
15 **ordering the other respondents to show cause is based on the unsupported factual**
16 **assumption that she notified the other respondents, which assumption at this point of**
17 **time is mere conjecture.**

18
19
20
21
22
23
24
25 IT IS SO ORDERED

26
27
28
###

Date: September 28, 2016



Robert Kwan
United States Bankruptcy Judge